

Formula Area Definition  
1000.302

There is a need to clarify the meaning of the requirements to expand a Formula Area. HUD has interpreted the original regulation to mean that a tribe must demonstrate a previous "investment" and "planned investment" made in the requested new formula area. It was not the intention of the original Neg. Reg. Committee to require investment in an area, rather to either demonstrate the past provision of or the desire to provide future housing services to low income Indian families.

The intention was to allow a tribe to expand its formula area to include areas where the tribe has past and present history in an area and that there is a need to provide housing services to the low income tribal members living in that area.

The manner in which the present regulation is being interpreted denies a tribe who cannot afford and could not afford to invest in an area the right to provide services to the tribal members in that area regardless of the need and the historical and cultural presence of the tribe in that area.

**RESOLUTION:**

For additional areas beyond those identified in the above list of eight, the Indian Tribe must submit on the Formula Response Form the area that it wishes to include in its Formula Area and *state*:

1. *The planned housing services to be provided to low income Indian families in this area, and*
2. *The previous housing services provided by the tribe in the requested area, or*
3. *What the historical and/or cultural connections the tribe has with the requested area and demonstrates the need to provide housing services to low income Indian families in the requested area.*

~~What previous and planned investment it has made in the area.~~

HUD will review this submission and determine whether or not to include this area. HUD will make its judgment using as its guide whether this addition is fair and equitable for all Indian tribes in the formula.